

Policy and Procedure for Use and Disclosure for Directory Purposes

45 CFR 164.510(a)

Do not delete this comment: In order to comply with the Privacy Act, there will need to be a routine use to allow disclosures of PHI for Directory Purposes.

PURPOSE: To establish a policy & procedure for using and disclosing protected health information (PHI) for directory purposes.

POLICY: An Indian Health Service facility may maintain a directory of patients and disclose limited PHI from that directory without the individual's written authorization, provided the individual was informed of the intended use or disclosure in advance and had the opportunity to either agree to or prohibit the use or disclosure, unless opportunity cannot practicably be provided because of individual's incapacity or an emergency circumstance.

PHI that may be disclosed from a patient directory is limited to the individual's name, the individual's location in the facility, and the individual's condition (e.g., stable), described in general terms that do not communicate specific information. An individual's religious affiliation may be disclosed only to clergy, if the patient has not objected to such disclosure.

PROCEDURES: The following procedures shall be used for using and disclosing information for directory purposes:

1. An IHS facility must provide all patients with a copy of the Notice of Privacy Practices.
2. The policy and procedure on the Notice of Privacy Practices must be followed.
3. Any restriction(s) on the use or disclosure of an individual's PHI will be noted and such information will not be disclosed from the facility's directory of patients.
4. If there are no stated restrictions to the release of an individual's PHI, the facility may disclose the individual's name, location within the facility, and condition in general terms upon request, by name of individual. Religious affiliation may also be disclosed to clergy who request such information, but clergy need not ask by patient's name.
5. If the individual is incapacitated, or in emergency treatment and does not have the opportunity to review the IHS Notice of Privacy Practices, the facility may disclose some or all of the directory information if such disclosure is consistent with any previously stated preferences. Any disclosure of directory information about an individual who has not had an opportunity to review the IHS Notice of Privacy Practices must be in the individual's best interest. The IHS facility must provide the individual with an opportunity to agree or object to any releases of his/her directory information as soon the individual resumes making his/health care decisions.